

**REMARKS**

Entry of this Amendment is proper under 37 C.F.R. 1.116, because the Amendment places the application in condition for allowance for the reasons discussed herein; does not introduce any new claims; does not raise any new issue requiring further search and/or consideration, and places the application in better form for an appeal should an appeal be necessary.

As noted in the Office Action Summary, claims 1-9, 12-30, 32-69 and 71 are pending. Claims 32 and 47 are amended herein. Applicants note with appreciation that claim 47 was noted by the Office as allowable if written in independent form. Thus, claim 47 is amended herein to appear in independent form. Claim 32 is amended to clarify the primer sequences used in the claimed method. Basis may be found throughout the specification and claims as-filed, and no prohibited new matter is presented herein.

Applicants reserve the right to file at least one continuation or divisional application directed to any subject matter canceled by way of the present Amendment.

Finally, Applicants note with appreciation that claims 48-69 and 71 are allowed.

**Rejections Under 35 U.S.C. § 102**

Claims 41-46 stand rejected under 35 U.S.C. § 102(a), as purportedly anticipated by Hazan *et al.* Further to the Amendment filed on June 1, 2004, Applicants provide herewith an additional copy of the certified copy of the priority document, French Application No. 99 11097. Applicants assert that the submission

of this document perfects priority, and thus the present application is entitled to the benefit of the priority date of September 3, 1999. Therefore, the present application predates the effective date of Hazan et al., November 1999, and Hazan is not available for use as a cited reference against the present claims.

**Rejections Under 35 U.S.C. § 112, first paragraph**

Claim 32 stands rejected under 35 U.S.C. § 112, first paragraph, purportedly for failing to comply with the written description requirement. The Office states that Claim 32 recites “a homolog of SEQ ID NO:1” and a “variant of SEQ ID NO:1” but that the specification fails to disclose any other “homolog” of “variant” of SEQ ID NO:1. In the interest of expediting prosecution, and without acquiescing in the rejection, claim 32 is amended herein to recite primers comprising a sequence selected from the group consisting of SEQ ID NO:1, at least 15 consecutive nucleotides of SEQ ID NO:1 and a sequence complementary to SEQ ID NO:1. Thus, claim 32 no longer recites homologs or variants, but clearly recites the specific sequences intended to be used as primers.

In light of the above, Applicants request that this rejection under 35 U.S.C. § 112, first paragraph be withdrawn.

**Rejections Under 35 U.S.C. § 112, second paragraph**

Claim 32 stands rejected under 35 U.S.C. § 112, second paragraph, as purportedly indefinite. The Office states that the recitation of “an RNA sequence corresponding to SEQ ID NO:1/at least 15 consecutive nucleotide of SEQ ID NO:1” or “corresponding to a homolog/variant of SEQ ID NO:1” purportedly renders the

claim indefinite because it is unclear what is the size or sequence of the claimed RNA molecule. As noted above, claim 32 is amended herein to recite " primers comprising a sequence selected from the group consisting of SEQ ID NO:1, at least 15 consecutive nucleotides of SEQ ID NO:1 and a sequence complementary to SEQ ID NO:1", and thus the phrases rejected in the outstanding Office Action are no longer recited. Applicants request that this rejection under 35 U.S.C. § 112, second paragraph be withdrawn.

### **Claim Objections**

Applicants note with appreciation that the Office considers claim 47 to be allowable, if rewritten into independent form. Claim 47 is amended herein to appear in independent form and to recite the elements of base claim 41.

**CONCLUSION**

It is respectfully submitted that all rejections have been overcome by the above amendments. Thus, a Notice of Allowance is respectfully requested.

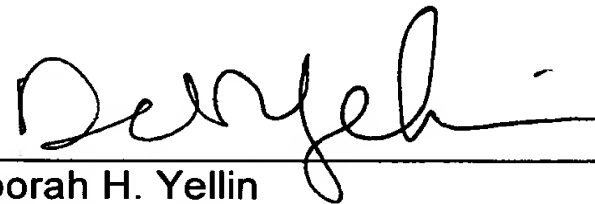
In the event that there are any questions relating to this amendment or the application in general, it would be appreciated if the Examiner would contact the undersigned attorney by telephone at (703) 836-6620 so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: January 24, 2005

By: \_\_\_\_\_



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